

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHN W HANSON, III,
Plaintiff,

v.

JEFF SCHMITT AUTO GROUP,
et al.,
Defendants.

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Case No. 3:24-cv-276
JUDGE WALTER H. RICE

DECISION AND ENTRY GRANTING PLAINTIFF JOHN W. HANSON, III
LEAVE OF COURT TO FILE THIRD AMENDED COMPLAINT;
OVERRULING AS MOOT THE MOTION TO DISMISS FILED BY
DEFENDANTS TOM GREEN, JEFF SCHMITT AUTO GROUP, JAY
SCHMITT, TONY BROADSTONE, NICK SMITH, NICK MARKOFF,
HUNTER ALSIP, RICHARD ROE -1, AND RICHARD ROE-2 (DOC. #5);
AND OVERRULING AS MOOT THE MOTION TO DISMISS FILED BY
DEFENDANTS GENERAL MOTORS COMPANY (DOC. #12)

This matter comes before the Court on the Motion to Dismiss for Lack of Jurisdiction by Defendants Tom Green, Jeff Schmitt Auto Group, Jay Schmitt, Tony Broadstone, Nick Smith, Nick Markoff, Hunter Alsip, Richard Roe -1, Richard Roe-2 ("the Jeff Schmitt Defendants"). Doc. #5. Plaintiff John W. Hanson, III ("Plaintiff") filed a response in opposition (Doc. #16) and the Jeff Schmitt Defendants filed a reply in support (Doc. #18). Also before this Court is a Motion to Dismiss filed by Defendant General Motors Company ("GM"). Doc. #12. Likewise, Plaintiff filed a

response in opposition to this motion (Doc. #19), and GM filed a reply in support. Doc. #20.

After the briefing was concluded on both motions, Plaintiff filed a [Third] Amended Complaint. Doc. #22. This Court has previously permitted Plaintiff to file a Second Amended Complaint, an action he took without seeking the necessary leave of Court. Doc. #9. In this entry, the Court explained how Fed. R. Civ. P. 15(a) requires Plaintiff to seek leave of Court to file an amended briefing, unless the opposing parties provide written consent. Doc. #9, PageID #71–72.

The Court recognizes that Plaintiff may not have understood that future pleadings would be stricken if the Federal Rules of Civil Procedure were not adhered to. With that in mind, the Court will *nunc pro tunc* grant Plaintiff the right to file the Third Amended Complaint, Doc. #22. From this point forward, however, Plaintiff is on notice that failure to abide by the rules will result in his pleading being stricken from the record.

An amended complaint supersedes the original complaint and renders the latter a legal nullity. See *B&H Med., LLC v. ABP Admin., Ind.*, 526 F.3d 257, 268 n.8 (6th Cir. 2008). Because Defendants' prior motions were filed in response to now-superseded Complaints, they are OVERRULED AS MOOT.

Date: February 7, 2025

Walter H. Rice

WALTER H. RICE
UNITED STATES DISTRICT JUDGE